

Message Text

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72

ACTION EUR-25

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E.O. 11652: N/A

TAGS: PINT, IT

SUBJECT: CONSTITUTIONAL COURT STRIKES DOWN LEGISLATION REGULATING
GOVERNMENT RADIO-TV MONOPOLY

REF: ROME A-306, 5/21/74

1. THE CONSTITUTIONAL COURT ON JULY 10 ISSUED DECISIONS DECLARING UNCONSTITUTIONAL MUCH OF THE LEGISLATION UPON WHICH THE STATE RADIO-TV MONOPOLY (RAI) IS BASED. THE COURT DECISIONS, WHILE CONFIRMING THE PRINCIPLE OF A STATE RADIO-TV MONOPOLY TO AVOID THE DANGER OF PRIVATE, OLIGOPOLISTIC CONTROL OF THE BROADCAST MEDIA, DENOUNCED THE PRESENT LACK OF LEGAL GUARANTEES THAT THIS MONOPOLY WILL BE USED TO INSURE COMPLETE, OBJECTIVE AND FULLY REPRESENTATIVE PROGRAMMING.

2. THE IMMEDIATE EFFECT OF THE COURT RULING IS TO STRIKE DOWN HIGHLY UNPOPULAR ACTIONS BY POST AND TELECOMMUNICATIONS MINISTER GIOIA (DC) IN MARCH 1973 BANNING CABLE TV AND BY MINISTER TOGNI (DC) LAST MONTH HAMPERING RECEPTION OF FOREIGN TV BROADCASTS ON THE EVE OF THE WORLD CUP SOCCER COMPETITION BY CLOSING DOWN (UNLICENSED) REPEATER STATIONS. ALL PARTIES BUT THE CHRISTIAN DEMOCRATS, WHO BEAR THE MAJOR RESPONSIBILITY FOR THE DECISIONS IN QUESTION, HAVE EXPRESSED VARYING DEGREES OF SATISFACTION AT THE COURT'S ACTION. MOST OBSERVERS EXPECT THAT FURTHER IMPETUS WILL
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BE GIVEN TO THOROUGHGOING REFORM OF THE RAI, ALREADY PROJECTED

IN THE MAY 1 DRAFT LAW NOW BEFORE PARLIMENT (REFAIR).

3. COMMENT: BECAUSE OF THEIR DOMINANT POSITION IN THE RAI, THE CHRISTIAN DEMOCRATS HAVE CONSISTENTLY OPPOSED ALL CHALLENGES TO THE STATE RADIO-TV MONOPOLY. THE RECENT DECISIONS OF THE CONSTITUTIONAL COURT CALLING FOR GREATER ACCESS TO THE RAI BY A DIVERSITY OF INTEREST GROUPS UNDERCUTS DC HEGEMONY IN THE BROADCAST MEDIA AND HAS ALREADY LED TO SOCIALIST DEMANDS FOR A BIGGER SLICE OF THE MEDIA PIE. VOLPE

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